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VIA ECFS

EX PARTE

October 13, 2015

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: *Rates for Interstate Inmate Calling Service*, WC Docket No. 12-375

Dear Ms. Dortch:

On October 8, 2015, Melissa Newman and Jeb Benedict (in person) and Tom Dethlefs (by telephone) met with Amy Bender, Legal Advisor to Commissioner O’Rielly.

At the meeting, CenturyLink discussed the Fact Sheet released by the FCC summarizing an item proposing wide-reaching regulation of interstate and intrastate inmate calling services (“ICS”) to be considered by the Commission at its October 22 meeting. CenturyLink emphasized that the Commission lacks legal authority over intrastate inmate calling services, site commissions or ancillary fees. CenturyLink also emphasized that the rate caps reported in the Fact Sheet are far too low. The proposed \$0.11 per minute rate cap for prisons, for example, will not allow CenturyLink to recover its costs of serving many prisons at any realistic level of calling volume. It is actually substantially below CenturyLink’s *average* cost to serve prisons nationwide, even excluding site commissions that may be required by statute or contract. The proposed rate caps are grossly unreasonable as they will render many correctional facilities uneconomic to serve. CenturyLink also voiced concern about the need for more realistic transition time for correctional facilities and providers under any new ICS rules.

CenturyLink reiterated that it could support inmate calling service reforms that will lower costs for inmates and their families without creating conditions that would lead to reduced availability of inmate calling. CenturyLink has said it can support reform that includes the following five elements. First, the Commission should adopt permanent unitary rate caps for ICS calls at or very near the current levels for interstate calls – substantially higher than the proposed caps. Second, the Commission should eliminate all but a very narrow class of ancillary fees and impose reasonable caps on those that it allows. Third, the Commission should allow

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correctional facilities discretion to require commissions on ICS services within the rate cap. Fourth, the Commission should exempt from rate caps juvenile detention centers, secure mental health facilities and jails housing less than 100 inmates, because of their particularly high costs and low volumes. Fifth, to allow providers and correctional facilities time to adjust, the Commission should either grandfather existing contracts or provide for at least a full budget cycle as a transition period for any new rules. CenturyLink explained that reform following each of those elements would balance the interests of all parties – inmate families, correctional authorities, and providers – and provide a more realistic and lasting opportunity for reform. But unrealistically low rate caps would make any FCC reform unsustainable.

Pursuant to Section 1.1206(b) of the Commission's rules, a copy of this ex parte presentation is being filed in the appropriate docket.

Sincerely,

/s/ Thomas M. Dethlefs

Copy via email to:

Amy Bender